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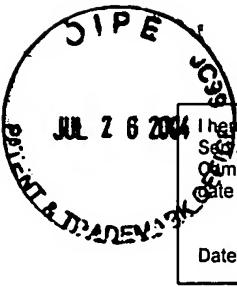
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|--|--|------------------------|-----------------------|
|  |  | Application Number     | 10/824688             |
|  |  | Filing Date            | April 14, 2004        |
|  |  | First Named Inventor   | Christopher J. Sewall |
|  |  | Art Unit               | Not Yet Assigned      |
|  |  | Examiner Name          | Not Yet Assigned      |
| Total Number of Pages in This Submission |  | Attorney Docket Number | 10884-00025-US        |

### ENCLOSURES (Check all that apply)

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |  |
|-------------------------|--|
| Firm or Individual name | CONNOLLY BOVE LODGE & HUTZ LLP<br>Liza D. Hohenschutz - 33,712 |
| Signature               |  |
| Date                    | July 20, 2004  |



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Dated: 7/20/04

Signature: A.L. Hamm

Docket No.: 10884-00025-US  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Christopher J. Sewall et al.

Application No.: 10/824688

Confirmation No.: Not Yet Assigned

Filed: April 14, 2004

Art Unit: Not Yet Assigned

For: HOMOGENEOUS, THERMOREVERSIBLE  
GEL CONTAINING REDUCED VISCOSITY  
CARRAGEENAN AND PRODUCTS MADE  
THEREFROM

Examiner: Not Yet Assigned

### INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A copy of each reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent,

publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 10884-00025-US. A duplicate copy of this paper is enclosed.

Dated: *July 20, 2004*

Respectfully submitted,

By *Liza D. Hohenschutz*  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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|       |   |    |   | <b>Complete If Known</b> |                       |
|-------|---|----|---|--------------------------|-----------------------|
|       |   |    |   | Application Number       | 10/824688             |
|       |   |    |   | Filing Date              | April 14, 2004        |
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|       |   |    |   | Examiner Name            | Not Yet Assigned      |
| Sheet | 1 | of | 2 | Attorney Docket Number   | 10884-00025-US        |

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document       | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|---|
|                    |                       | 3,962,482   | 6/8/1976                       | Uniroyal, Ltd.   |   |
|                    |                       | 3,956,173   | 5/11/1976                      | Hercules Incorporated                                    |   |
|                    |                       | 4,443,486   | 4/17/1984                      | FMC Corporation  |   |
|                    |                       | 4,096,327   | 6/20/1978                      | FMC Corporation  |   |
|                    |                       | 5,002,934   | 3/26/1991                      | Norton et al   |   |
|                    |                       | 5,051,304   | 9/24/1991                      | Societe Anonyme  |   |
|                    |                       | 5,264,223   | 11/23/1993                     | Japan Elanco Company, Ltd.                               |   |
|                    |                       | 5,614,217   | 3/25/1997                      | R.P. Scherer Corporation                                 |   |
|                    |                       | 5,342,626   | 8/30/1994                      | Merck & Co., Inc.  |   |
|                    |                       | 5,431,917   | 7/11/1995                      | Japan Elanco Company, Ltd.                               |   |
|                    |                       | 5,756,123   | 5/26/1998                      | Japan Elanco Co., Ltd.                                   |   |
|                    |                       | 5,620,757   | 4/15/1997                      | Mitsubishi Rayon Co., Ltd.                               |   |
|                    |                       | 5,342,626   | 8/30/1994                      | Merck & Co., Inc.  |   |
|                    |                       | 5,089,307   | 2/18/1992                      | Mitsubishi Rayon Co., Ltd.                               |   |
|                    |                       | 5,569,466   | 10/29/1996                     | R. P. Scherer Corporation                                |   |
|                    |                       | 5,820,259   | 10/13/1998                     | Q-Jet DSI, Inc.  |   |
|                    |                       | 6,375,981   | 4/23/2002                      | A. E. Staley Manufacturing Co.                           |   |
|                    |                       | 6,099,876   | 8/8/2000                       | Yissum Research Development Co. of the Hebrew University |   |
|                    |                       | 6,214,376   | 4/10/2001                      | Banner Pharmacaps, Inc.                                  |   |
|                    |                       | 6,326,028   | 12/4/2001                      | Monsanto Company   |   |
|                    |                       | 6,331,205   | 12/18/2001                     | Laurence Paris   |   |
|                    |                       | 6,340,473   | 1/22/2002                      | R.P. Scherer Technologies, Inc.                          |   |
|                    |                       | 6,582,727   | 6/24/2003                      | R.P. Scherer Technologies, Inc.                          |   |
|                    |                       | 6,375,981   | 4/23/2002                      | A. E. Staley Manufacturing Co.                           |   |
|                    |                       | 6,635,275   | 10/21/2003                     | Warner-Lambert Company                                   |   |
|                    |                       | 2002/0122822  | 9/5/2002                       | Bunick et al   |   |
|                    |                       | 2003/0211146  | 11/13/2003                     | Scott et al  |   |
|                    |                       | 2003/0084641  | 5/8/2003                       | Tanner et al   |   |
|                    |                       | 2003/0085487  | 5/5/2003                       | Tanner et al   |   |
|                    |                       | 2003/0138482  | 7/24/2003                      | Fonkwe et al   |   |
|                    |                       | 2004/0052839  | 3/18/2004                      | Archibald et al  |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|--|--------------------------------|--|---|----------------|
|                    |                       | JP 3-53873   | 1991                           | Kotobuki Academy                                   |   | X              |
|                    |                       | JP 3-12231   | 1991                           | Kotobuki Academy                                   |   | X              |
|                    |                       | JP 62-186754   | 1987                           | Unicolloid Inc.                                    |   | X              |
|                    |                       | JP 60-55039  | 1985                           |  |   |                |
|                    |                       | JP 63-164858   | 1988                           | Unicolloid Co. Ltd.                                |   | X              |
|                    |                       | WO 00/36930  | 06/29/2000                     | The Monsanto Company                               |   |                |
|                    |                       | WO 01/92401  | 12/6/2001                      | A.E. Staley Manufacturing Co.                      |   |                |
|                    |                       | WO 01/92400  | 12/6/2001                      | A.E. Staley Manufacturing Co.                      |   |                |
|                    |                       | WO 03/009832   | 2/6/2003                       | R.P. Scherer Holdings Pty Ltd                      |   |                |

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|                                 |   |    |   |                          |                       |
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| Substitute for form 1449A/B/PTO |   |    |   | <b>Complete If Known</b> |                       |
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| Sheet                           | 2 | of | 2 | Attorney Docket Number   | 10884-00025-US        |

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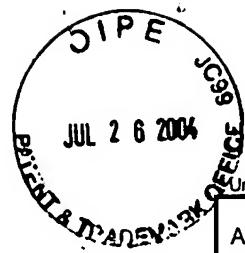
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| Examiner Initials                      | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |  |  |                |
|  |                       | Eleya, et al., "Rheology of k-carrageenan and B-lactoglobulin mixed gels", Food Hydrocolloids, vol. 14, pages 29-40, 2000.  |  |  | T <sup>2</sup> |
|  |                       | Falshaw et al., "Structure and performance of commercial kappa-2 carrageenan extracts I. Structure analysis", , Food Hydrocolloids, vol. 15, pages 441-452; 2001.   |  |  |                |
|  |                       | Villanueva et al., "Structure and functional performance of gigartinacean kappa-iota hydrid carrageenan and solieriacean kappa-iota carrageenan blends", Food Hydrocolloids. Vol. 18, pages 283-292; 2004.  |  |  |                |
|  |                       | Bixler et al., "Kappa-2 carrageenan: structure and performance of commercial extracts II. Performance in two simulated dairy application", Food Hydrocolloids, vol. 15, pages 619-630; 2001.  |  |  |                |
|  |                       | van de Velde et al., "On the structure of k/i-hybrid carrageenans", Carbohydrate Research, vol. 331, pages 271-283, 2001.   |  |  |                |
|  |                       | Gums and Stabilizers for the Food Industry; "Liquid Core Hydrocolloid-Oil Capsules"; pages 324-332.   |  |  |                |

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Application No. (if known): 10/824688

Attorney Docket No.: 10884-00025-US

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